

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-8 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

I. Overview of the Office Action

Claims 1, 4, 5, 7, and 8 are now rejected under 35 U.S.C. § 103(a) as being unpatentable over previously cited Suonvieri (U.S. Patent No. 6,445,919) in view of previously cited Scheuetze et al. (U.S. Patent No. 6,101,320, hereafter “Schuetze”). Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suonvieri in view of Schuetze and further in view of Lucas et al. (U.S. Patent Application Publication No. 2005/0278710, hereafter “Lucas”). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Suonvieri in view of Schuetze and further in view of Rubenstein et al. (U.S. Patent No. 6,757,373, hereafter “Rubenstein”). Applicant notes that the Examiner continues to use various combinations of the same references to reject the claimed invention. Applicant respectfully traverses this new combination of references.

II. Analysis

The Examiner alleges that Suonvieri discloses all of the features of independent claim 1 and analogous independent claim 5 except for the feature “dynamically switching from said used first data exchange format to said second identified data exchange format”, as recited in claim 1 and analogously recited in claim 5. The Examiner thus relies on Schuetze to cure this deficiency. Applicant respectfully submits that the claims would not have been rendered obvious in view of the cited references.

First, Applicant respectfully submits that there is no teaching or suggestion in Suonvieri of the feature “identifying at said mediation server a change in used data exchange format from a first used data exchange format to a second identified data exchange format”, as recited in claim 1 and analogously recited in claim 5.

The Examiner cites FIG. 5, the Abstract, and column 2, lines 45-60 of Suonvieri as allegedly disclosing this feature of the claims. However, these cited portions of Suonvieri merely disclose that a conversion element of a management system converts a message transmitted by a network element into a format understood by the management system and transmits the converted message to the management system. The management system then transmits configuration messages to the conversion element in it’s own format. The conversion element then converts the message on the basis of information of the identity of the receiving network element to the format used by the network element and transmits it. However, Suonvieri does not teach or suggest identifying at a server, a change in used data exchange format from a first used data exchange format to a second identified data exchange format as required by the claims. At best, Suonvieri converts an identified message (message type 1) to a second message (message type 2) which is obtained by using a conversion file (column 5, lines 12-25), and is not an identified format obtained from the identification of a change in data formats.

For example, Suonvieri discloses that when repeater 1 sends a message (an alarm message) (message type 1) to the management system, the repeater driver interprets the message based on information retrieved from a conversion file, and converts or forms the message into a second type (message type 2) which can be understood by the management system, and sends

this message (message type 2) to the management system (column 4, line 59 to column 5, line 25). The repeater driver simply does not identify a change in data formats or message types.

Similarly, if repeater 2 transmits a similar alarm message which conforms to message type 2, the repeater driver simply transmits the message to the management system without having to use the conversion file to convert the message, since the management system understands message type 2 (column 6, lines 13-30).

However, Applicant respectfully submits that there is simply no teaching or suggestion in Suonvieri that the repeater driver identifies a change in data formats.

Applicant further notes that the Examiner has not indicated how the claimed first data exchange format and the claimed second data exchange format read on the cited reference. However, even if *arguendo* one were to consider the claimed used or first data format as message type 2, and the claimed new identified or second data format as message type 1, Suonvieri does not disclose switching from message type 2 to message type 1.

As discussed above, the Examiner acknowledges that Suonvieri fails to teach or suggest the feature “dynamically switching from said used first data exchange format to said second identified data exchange format”, as recited in claims 1 and 5. The Examiner thus relies on Schuetze to allegedly overcome this deficiency and submits that it would have been obvious to combine these references in order to “provide method for exchanging data between separate organizations which may use dissimilar data formats”¹. Again, Applicant respectfully disagrees with the Examiner’s position.

¹ Page 3 of the Office Action dated February 22, 2008.

Schuetze generally relates to a system for exchanging electronic mail between different organizations which have dissimilar email systems (column 2, lines 61-65). The system determines the email format used by a recipient organization and converts the email into the recipient's format from the identity of the recipient's organization in the email sent from a sending organization and converts the email into the recipient's format (the Abstract). The recipient's format is determined by searching for information regarding the recipient's organization in internal and external databases (the Abstract).

Applicant respectfully submits that Schuetze has no relevance to the instant invention.

First, the system of Schuetze is used to allow one network (sender organization 12) to communicate with another network (recipient organization 14), by converting email from a sender's format to the recipient's format, contrary to the present invention, which is directed to communications within a cellular or mobile communication system, and to a "method for providing service management to network elements of a communication network," wherein the network elements communicate with an Operation and Maintenance Center of the communication network. Accordingly, Schuetze focuses on communications between plural communications networks.

Secondly, Schuetze does not teach or suggest identifying a change in data format from a first used data format to a second identified data format, as required by the claims. In Schuetze, if an organization sends email in a particular email format, such as MS MAIL, the organization will connect to the system 10 and through an exchanger which can receive and send mail in MS MAIL format (column 5, lines 8-28). A routing unit then determines the recipient's format from

the identity of the recipient's organization and routes the email through a gateway 30 to a mail exchanger 22 which can receive and send email in the recipient's format.

However, Schuetze does not teach or suggest identifying a change in used data format from a used data for to a second identified data format and then dynamically switching from the used data format to the identified data format, as required by the claims. In Schuetze, the email format for an organization which uses MS MAIL would remain as MS MAIL, therefore, Schuetze cannot disclose "identifying a change in used data format", as required by the claims.

Applicant further notes that the Examiner has not indicated how the claimed first used data exchange format and the claimed identified second data exchange format read on the cited reference.

Moreover, the Examiner does not address how one of ordinary skill in the art would have been able to modify Suonvieri in view of Schuetze to produce the claimed invention since the Suonvieri system is based on communications within a single network, while Sheuetze relates to communication between multiple networks. The references are directed to completely different objects such that there is no reason to combine or modify their teachings in view of each other.

With respect to claim 4, Applicant respectfully submits that there is no teaching or suggestion in the cited references of the feature "data exchanged between at least one of said network elements and said Operation and Maintenance Center contains a new software version download from the Operation and Maintenance Center to said at least one of said network elements", as recited in the claim.

The Examiner cites column 6, lines 17-46 of Schuetze and FIG. 5, the Abstract, and column 2, lines 45-60 of Suonvieri as allegedly disclosing this feature of the claim. Applicant

finds the Examiner's rejection and position extremely confusing. Column 6, lines 17-46 of Schuetze merely discloses that if a routing unit does not locate a recipient organization among plural organizations stored in a memory unit, the routing unit searches external databases for information regarding the recipient organization and downloads the information pertaining to the recipient organization to the routing unit. FIG. 5, the Abstract, and column 2, lines 45-60 of Suonvieri merely disclose that a conversion element of a management system converts a message transmitted by a network element into a format understood by the management system and transmits the converted message to the management system. Nowhere do these cited references teach or suggest "data exchanged between at least one of said network elements and said Operation and Maintenance Center contains a new software version download from the Operation and Maintenance Center to said at least one of said network elements", as recited in the claim.

Further, Rubenstein and Lucas do not cure the deficiencies of Suonvieri and Schuetze.

Accordingly, Applicant respectfully submits that independent claims 1 and 5 should be allowable because the cited references do not teach or suggest all of the features of the claims. Claims 2-4 and 6-8 should also be allowable at least by virtue of their dependency on independent claims 1 and 5.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/609,633

Attorney Docket No.: Q75615

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Mark E. Wallerson/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Mark E. Wallerson
Registration No. 59,043

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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